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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,495	03/15/2001	Keiichi Nakatsugawa	FUJZ 17.337	5669
26304	7590	05/05/2005	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			CHO, HONG SOL	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2662	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,495

Applicant(s)

NAKATSUGAWA ET AL.

Examiner

Hong Cho

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 17-48 is/are allowed.
6) ☒ Claim(s) 1,13-16,49,50 and 52-55 is/are rejected.
7) ☒ Claim(s) 2-12 and 51 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10162003, 03152001.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's election of Group 1, Claims 1-55, in the reply filed on 12/09/2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 13-16, 49, 50, 52, 53 and 55 and are rejected under 35 U.S.C. 102(e) as being unpatentable over Ahmed et al (US 6160804), hereinafter referred to as Ahmed.

Re claims 1, 13 and 14, Ahmed discloses a communication system having a plurality of node devices (*network nodes*) for communicating with a terminal (*mobile station*), said terminal may move among said plurality of node devices (figure 8b) and register its location with said communication system, said location being an address of a destination node device accommodating said terminal (*Home Location Register (HLR) maintains the location of a mobile only through the network node it is currently attached to the direct network node*, column 13, lines 31-35), comprising a location registering server for registering the location of said terminal (*certain network nodes include an HLR*, column 13, lines 15-16) and a node device that receives a packet destined for said terminal and transfers said packet to the destination node device (*transmitting a packet to a network node with which the station is in direct communication*, column 5, lines 11-14) while otherwise transferring the packet to the destination node device by referring to the location registering server (*the mobile station transmit the packet based on the address of the second station from a HLR of the second station*, column 5, lines 18-21).

Re claims 15 and 16, Ahmed discloses a node device with a storage portion for storing an address of the terminal and the address of the destination node device in correspondence with each other (*a table is stored in HLR containing the address being a combination of an identifier of the mobile user station and an identifier of a network node which the mobile station is associated*, column 4, line 65 to column 5, line 2) and a transfer portion for transferring the received packet until a predetermined time elapses or

a finish of the packet transfer is instructed to the destination node when the terminal is not being accommodated by the node device (column 21, lines 40-45).

Re claim 49, Ahmed discloses a terminal having a storage portion included in an adapter connected to the terminal (figure 2, element 12).

Re claim 50, Ahmed discloses a packet transmitted/received between the plurality of node devices designates to the destination node device a transfer destination (*anchor node forwards the data traffic to the destination node*, figure 8b, column 21, lines 41-43).

Re claim 52, Ahmed discloses a plurality of location registration servers (*network node with home directory table, VLR and HLR*, figure 4) and the node device having a server retrieval table for providing a correspondence between the terminal and an address of a location registering server where a terminal location registration is made (column 4, lines 54-56; column 4, line 65 to column 5, line 2).

Re claim 53, Ahmed discloses the node device connected to a router (column 6, lines 60-61).

Re claim 55, Ahmed discloses the node device connected to a fixed network (column 6, lines 63-65).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmed in view of Kumaki et al (US 6473411), hereinafter referred to as Kumaki.

Re claim 54, Ahmed discloses connecting network nodes to external networks, but fails to disclose the node device connected with an ATM switch to compose the communication network. It is well known in the art that an ATM switch is required for a given node to communicate with ATM networks. Kumaki discloses connecting node devices to an ATM switch (column 11, lines 23-24). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect network nodes of Ahmed to an ATM switch as taught by Kumaki to be connected to the external ATM networks.

Allowable Subject Matter

7. Claims 2-12 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 2-12 and 17-48 are allowable.

The following is an examiner's statement for reasons for allowance.

9. Claim 2 is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest the communication system comprising a transfer sequence, wherein when the node device does not know the address of the destination node device the received packet is transferred to the destination node device by the node device forwarding the received packet to the location registering server which forwards the packet to the destination node device by referring to a location registering table.

Claims 5 and 9 are allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest the communication system comprising a transfer sequence, wherein when the node device does not know the address of the destination node device, the received packet is once sent back to the source node device by the node device, the source node device transfers the packet to the location registering server, which further transfers the received packet to the destination node device by referring to a location registering table.

Claim 17 is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest the communication system, wherein the destination node device obtains an address of the former node device and notifies the former node device of an address of the destination node device and an address of the terminal.

Claim 22 is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest the communication system, wherein a location registering server having a location

registering table and for notifying the former node device of the address of the terminal based on the address of the former node device registered in the location registering table, the address of the former node device being registered in the location registering table before receiving a location registration request from the destination node device and the terminal.

Claim 23 is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest the communication system, wherein the location registering server does not register the latest destination node device in the location registering table and notifies the first destination node device of the address of the latest destination node device and the terminal.

Claim 32 is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest the communication system comprising a transfer sequence, wherein when the node device receiving the packet notifies the sender node device of an address of the destination node device and an address of the terminal when knowing the address of the destination node device, while otherwise notifying the location registering server whereby the address of the destination node device and the address of the terminal registered in the location registering server is provided to the sender node device.

Claim 38 is allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest the communication system comprising a transfer sequence, wherein the destination node device notifies a sender node device of its own address and an address of the terminal

based on an address stored in a storage portion provided in at least one of the terminal and the destination node device.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent (5841769) to Okanoué et al
- US Patent (6654359) to La Porta et al
- US Patent (6212175) to Harsch

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc

Hong Cho
Patent Examiner
4/27/05



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